

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL REYES-VILLANUEVA,

Plaintiff,

v.

TYSON POGUE, et al.,

Defendants.

Case No. 1:24-cv-0493 JLT EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THIS
ACTION WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH COURT ORDERS, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE

(Doc. 31)

Michael Reyes-Villanueva asserts that the defendants violated his civil rights while he was housed at the Madera County Jail. (*See* Doc. 1, 20.) However, the magistrate judge found Plaintiff failed to prosecute his case and failed to comply with the Court's orders. (Doc. 31 at 1.) The magistrate judge also found terminating sanctions are appropriate, after considering the factors identified by the Ninth Circuit in *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002). (*Id.* at 2-3.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice.¹ (*Id.* at 3.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 30 days. (Doc. 31 at 4.) The Court advised Plaintiff that "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*,

¹ The magistrate judge also recommended that the Court lift the stay in the action for purposes of dismissal. (Doc. 31 at 3.) However, the magistrate judge later issued an order lifting the stay. (Doc. 38.)

1 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff did not file objections
2 and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the entire matter, the Court concludes the Findings and
5 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on May 20, 2025 (Doc. 31) are
7 **ADOPTED** in full.
- 8 2. This action is **DISMISSED** without prejudice, for failure to prosecute and comply
9 with the Court's orders.
- 10 3. The Clerk of Court is **DIRECTED** to close this case.

11
12 IT IS SO ORDERED.

13 Dated: **July 16, 2025**


UNITED STATES DISTRICT JUDGE